IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

RONNIE HARRIS,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	**CIVIL ACTION NO. __________**
	§	
TURMAN WELL SERVICE, INC.	§	**JURY TRIAL DEMANDED**
	§	
Defendant.	§	

PLAINTIFF'S ORIGINAL COMPLAINT
AND JURY DEMAND

I. INTRODUCTORY STATEMENT

NOW COMES Ronnie Harris, Plaintiff herein, complaining of Turman Well Service, Inc. (Herinafter "defendant") Defendant herein, and for causes of action submits the following:

I.

Jurisdiction and Venue

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1343(a) and 28 U.S.C. § 1337. This is a suit in equity and at law authorized and instituted pursuant to 42 U.S.C. § 1981 and §1981a and it seeks declaratory relief pursuant to 28 U.S.C. §§ 2201, 2202.

2. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 and 124(a)(1) in that the unlawful employment practices alleged below were and are being committed within the State of Texas and the Eastern District of Texas and defendant maintains records and other evidence relevant to this case in the Eastern District of Texas.

II.

Parties

3. At all relevant times, Plaintiff was and is an African American citizen of the United States and resident of the Eastern District of Texas. Plaintiff was employed by defendant at various locations in the Eastern District of Texas. Plaintiff has been subjected to unlawful employment practices committed in the State of Texas, Eastern District.

4. Defendant is a business doing business around the United States and particularly in the Eastern District of Texas.

Federal Causes of Action

5. This is a proceeding for damages, a declaratory judgment, injunctive and other relief to secure the rights of plaintiff under 42 U.S.C. § 1981 and 1981a. It is brought to prevent defendants from maintaining a policy, practice, custom or usage, of discriminating and retaliating against plaintiff in regard to terms, conditions and privileges of employment and to compensate plaintiff for his mental anguish, emotional distress and financial losses occasioned by defendant's discriminatory and retaliatory actions.

6. Plaintiff was originally hired by defendant in 2008 as a derrick hand, a position in which he was employed until he was fired on or about August 20, 2010.

7. During his employment plaintiff was supervised by David Gonzales. David Gonzales is a virulent racist who subjected Plaintiff to nearly continuous racial insults rendering the workplace racially hostile. Gonzales repeatedly call Plaintiff "nigger" both directly and when referring to Plaintiff. Gonzales refused to give Plaintiff a ride in his truck telling him he did not let "niggers" ride in his truck. Gonzales would direct Plaintiff by telling him where to go or what to do with his

"black ass". Gonzales stated that if he could he would have only Mexicans working for him. Gonzales told Plaintiff on repeated occasions that "you have a black president and think we have to answer to you". Gonzales told Plaintiff that President Obama was planting watermelons at the White House.

8. Plaintiff made numerous complaints to his supervisors, including Gonzales himself and foreman David Yeley. No effective action was taken to prevent Gonzales from racially harassing Plaintiff and as a result of Plaintiff's opposition to Gonzales' actions Plaintiff was fired on or about August 20, 2010. The decision to terminate Plaintiff was made be his tormenter, Gonzales.

9. The conduct of Gonzales was done open and obviously and was witnessed by a number of Plaintiff's coworkers. Defendant either knew or should have known that Gonzales was a bigot given to harassing African Americans, including Plaintiff, but did nothing to restrain him.

10. As a result of defendants' unlawful conduct plaintiff has suffered loss of employment, loss of income, loss of reputation, loss of enjoyment of life, and severe emotional distress, for which he seeks backpay, front pay or reinstatement and compensatory damages.

11. Defendant's actions complained of herein were taken with malice or with a conscious disregard for plaintiff's federally protected rights, making an award of exemplary damages appropriate.

Request for Relief

ACCORDINGLY, plaintiff respectfully requests that this Court advance this case on the docket and grant him the following relief:

a. Grant plaintiff a permanent injunction, enjoining defendant, their agents, employees and successors from continuing to discriminate against plaintiff on account of his race and from continuing to retaliate against him;

b. Grant plaintiff a declaratory judgment, declaring defendant's past practices herein complained of to be in violation of federal law.;

c. Grant plaintiff backpay, front pay or reinstatement, retroactive seniority, compensatory damages, and any other necessary equitable and legal relief to compensate him;

d. Grant plaintiff actual and compensatory damages;

e. Grant plaintiff punitive damages;

f. Grant plaintiff attorney fees and expert fees; and

g. Grant such other general relief to which plaintiff shows himself justly entitled.

JURY DEMAND

Plaintiff demands a jury with respect to all issues so triable.

Respectfully Submitted,

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